

b.) Remarks

Claims 1 and 3 have been amended in order to recite the present invention with the specificity required by statute. Additionally, claim 11 is cancelled as redundant and claim 12 is amended in order to maintain its dependency. Claims 1, 9 and 10 are also amended for better idiomatic usage. Accordingly, no new matter has been added.

Claim 1 is objected to because the Examiner notes claim 1 inconsistently recites “a retroreflective element layer” in line 2 and “retroreflective element layers” in line 3. Respectfully submitted, the Examiner is misconstruing the phrase “surface and retroreflective element layers”. Nonetheless, for better clarity and to reduce the issues, such term now reads “surface layer and retroreflective element layer”. Accordingly, this objection is mooted.

Claims 9 and 10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, these claims have above been amended in conformity with the Examiner’s kind suggestions. Accordingly, this rejection is mooted as well.

Claims 1, 2, 4 and 9-13 remain rejected under 35 U.S.C. §103(a) as being obvious over Hingsen-Gehrmann (U.S. Patent Publication No. 2002/0142121) in view of Yamamoto (U.S. Patent Publication No. 2002/0135735) as evidenced by Arton Property Tables. Additionally, claims 5 and 14 are rejected as being obvious over Hingsen-Gehrmann in view of Yamamoto and Koike (U.S. Patent No. 6,201,045). Lastly, claim 8 is rejected as being obvious over Hingsen-Gehrmann in view of Yamamoto and Nito (U.S. Patent No. 5,659,411) or Suzuki (U.S. Patent No. 7,582,355).

In support of the rejection, the Examiner asserts that the present invention can be easily achieved by a skilled person since both Hingsen and Yamamoto relate to an optical article. Yamamoto does teach in [0043] a hydrocarbon resin having an adamantane ring or a cyclopentane ring as the main chain as a resin to be used for a sheet. However, Yamamoto's optical article is sunglasses and ski goggles as described in [0002], none of which feature destructive sheets that peel off. Furthermore, Yamamoto explicitly describes in [0041] that "The sheet other than ... are ... having ... a great workability for pressurizing and heating," which those of ordinary skill understand are not readily peeled off. Accordingly, it is not at all obvious for a skilled person to apply Yamamoto's invention relating to optical articles that are used without peel-off optical sheets to Hingsen's invention in which optical sheets break when they are peeled off.

Nonetheless, solely in order to reduce the issues and expedite prosecution, Applicants have above amended claims 1 and 3 to recite a specific peeling strength. This subject matter is not taught by Hingsen or Yamamoto.

Claims 1, 2 and 3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/590,982. This provisional rejection is mooted by the foregoing Amendment, as well as the Amendment filed September 17, 2010 in the '982 application.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1-5, 8-10 and 12-14 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

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